

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CITIMORTGAGE, INC.,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE GROUP,
INC.; CHICAGO TITLE INSURANCE
COMPANY; CHICAGO TITLE AGENCY
OF NEVADA; DOES I through X; and ROES
XI through XX,

Defendants.

Case No.: 2:21-cv-00352-ART-EJY

ORDER APPROVING

**STIPULATION TO
CONTINUE STAY OF CASE**

Plaintiff, CitiMortgage, Inc. (“Plaintiff”) and Defendants Fidelity National Title Group, Inc., Chicago Title Insurance Company and Chicago Title Agency of Nevada (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Defendants dispute, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently pending in the United States District Court for the District of Nevada and Nevada state courts more than one-hundred actions between national banks, on the one hand, and title insurers, on the other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA 115.2/ALTA 5 Endorsements.

The Parties stipulated to a limited six-month stay of the case, which was granted on July 19, 2022 [ECF No. 18]. The limited stay recently expired on January 19, 2023 [ECF No. 18]. The Parties have conferred and believe another limited six-month stay is warranted. The *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set. The Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy and claims handling, that could potentially affect the disposition of the instant action.

Accordingly, the Parties believe an additional stay of six months in the instant action will best serve the interests of judicial economy. The Parties request that the action be stayed for an additional six months, through and including, July 19, 2023. The Parties are to submit a Joint Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay of this case is entered based on the specific circumstances surrounding this particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

NOW THEREFORE, the Parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. In the interests of judicial economy and in efforts to preserve the Parties’ resources, the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6) MONTHS**, through and including, July 19, 2023.
2. All deadlines currently set in this case shall remain **VACATED**.
3. The Parties are to submit a Joint Status Report on or before July 19, 2023.

1 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
2 parties, and the Parties may enforce subpoenas that the Parties propounded to third
3 parties during the stay.

4 5. By entering into this Stipulation, none of the Parties is waiving its right to
5 subsequently move the Court for an order lifting the stay in this action.

6 **IT IS SO STIPULATED.**

7 DATED this 25th day of January, 2023.

DATED this 25th day of January, 2023.

8 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

9 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

10 Lindsay D. Dragon, Esq.

Kevin S. Sinclair, Esq.

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13 *Attorney for Plaintiff, CitiMortgage, Inc.*

Attorney for Defendants, Fidelity National

Title Group, Inc., Chicago Title Insurance

Company and Chicago Title Agency of Nevada

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16 **IT IS SO ORDERED.**

17 Dated this 25th day of January, 2023.

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20 Anne R. Traum

21 United States District Court Judge
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